

AN
ACCOUNT

OF

Lay-Patronages in *Scotland*,

And of the fatal

DIFFERENCES

They have occasion'd betwixt the

Church and Lay-Patrons,

WITH

Observations on the Arguments for
restoring them.



L O N D O N,

Printed in the Year. 1712.

ACCOUNT

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Account of Lay-Patronages in *Scotland, &c.*

LAY-Patronages are so far from being the antient Constitution of *Scotland*, that there's scarce a Country in *Christendom* where-ever they had so little Footing; so that if our *Scotch* Patrons were put to justify their Title by the old Maxim of the Canonists,

Patronum faciunt dos, edificatio, fundus,

they would make but a very indifferent Plea of it; for nothing is plainer in our Law, than that the Tythes were the Patrimony of our Church, as appears by *Act 10. Parl. 1. James IV.* held in 1567. and by many other Acts. It is likewise known to every one, that Tythes were settled by the Legislature, and that such Endowments as have at any time been made from the Rents of the Crown requir'd the Consent of Parliament to make them good, since our Princes could alienate nothing belonging to the Crown without their Consent. And as to the Pope's Canon Law from whence Patronages proceeded, it never obtain'd so far in *Scotland* as to be much regarded. This is evident from many of our Laws, which forbid our being govern'd by any other, and from the Pragmatical Sanctions betwixt the Popes and the Kings of *Scotland*, who were always as

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inflexible in this matter, if not more, than the Kings of France.

But be that how it will, when the Pope's Authority was abrogated in *Scotland* by Act of Parliament in 1560. all Jurisdiction deriv'd from him fell with it, and his Canon Law among the rest, except what part of it we retain'd for its own Equity, and its Agreeableness to our Constitution, which was follow'd in Commislar's Courts, &c.

Accordingly the Church of *Scotland*, from the Beginning of the Reformation, declar'd against Lay Patronages, and Presentations. This appears from the first Book of Discipline, drawn up by order of the Government, and agreed to in the Privy Council, January 17. 1560. where, in the Fourth Head, *Concerning the lawful Election of Ministers*, the Power of Election is lodg'd in the Parishioners; and in case they delay'd it 40 Days, the Presentation was to be in the Superintendant and his Council, viz. the Ministers and Elders of his Province.

In the first General Assembly of the Reformed Church of *Scotland*, held the 20th of *December* 1560. about four Months after the Pope's Authority was abolish'd, it was enacted the 27th of the said Month, That the Election of Ministers should be in the publick Church by the People, and that Notice should be given of it the *Sunday* preceding. It was the same as to the Election of Superintendants, as may be seen by the Form of it prefix'd to our old Psalm Books, and in the first Book of Discipline, under the Head of *the Election of Superintendants*; and the Church requir'd that the Ministers, the Poor, and the Schools, should be provided for out of the Tythes which were the Patrimony of the Kirk, as appears by the 6th Head of the first Book of Discipline, under the Title Of *the Rents and Patrimony of the Church*.

In the 3d Sess. of the 4th General Assembly held at *Edinburgh*, it was enacted, Dec. 27. 1562. That the
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Presentation of Ministers should be in the People: Thus matters were stated at Q. Mary's Arrival from France, Aug. 19 1561. and the 25th of that Month, her Majesty declar'd by Proclamation, That no body on pain of Death should attempt privately or publicly to make any *Alteration or Innovation in the State of Religion* which she found publicly and universally standing at her Arrival; and she promis'd not to attempt any thing against it herself, but to settle all things with the Consent of the States. This Promise was kept no otherwise than as Popish Princes use to do with their Protestant Subjects; so that she and her Courtiers were unwilling to part with the Patronages and Patrimony of the Church which they had possid'd themselves of on the Abrogation of Popery, i. somuch that the poor Ministers had little else to maintain them but the Benevolence of their Hearers; and with much ado, after many Petitions, they obtain'd a third of the Tythes, which was but indifferently paid, so little real dependance had they on Lay Patrons.

The Church being under these Pressures, she was willing to comply as far as she could in Conscience, in order to obtain what farther Reformation was wanting, and a Redress of her Grievances. Therefore she agreed in the Assembly of 1565, that her Majesty, or any other Patron, might present to vacant Benefices, but on Condition that they presented quality'd Persons, and subjected them to the Examination of the Kirk, *who had the Right of Collation to the Cure, if the Patron had the Presentation to the Benefice*; otherwise, say they, the Patrons might obtrude such Persons as they pleas'd upon them. And thus, as they complain in the 6th Head of the first Book of Discipline, *the Papistical Tyranny should be only chang'd into that of the Lord and Laird*; therefore they requir'd that the Kirk might be restored to her Liberty that she had been cruelly spoil'd of by the Papists.

In the said Book of Discipline agreed on by the General Assembly of 1578. register'd by that of 1581. and order'd to be subscrib'd by all Ministers, they declare themselves, *Chap. 12.* thus:

' The Liberty of the Election of Persons call'd to Ecclesiastical Functions, and observ'd without Interruption so long as the Kirk was not corrupted by Anrichrist, we desire to be restored and retain'd within this Realm, so that none be intruded upon any Congregation, either by the Prince or any inferior Person, without lawful Election, and the Assent of the People over whom the Person is plac'd, as the Practice of the Apostolical and Primitive Kirk and good Order craves; and because this Order which God's Word craves, cannot stand with Patronages and Presentations to Benefices used in the Popes Kirk, we desire all them that truly fear God, earnestly to consider, that forasmuch as the Names of Patronages and Benefices, together with the Effects thereof, have flow'd from the Pope and the Corruption of the Canon Law only, in so far as thereby any Person was intruded or placed over Kirks having *Curam Animarum*: And forasmuch as that manner of Proceeding hath no ground in the Word of God, but is contrary to the same, and to the said Liberty of Election, they ought not now to have place in this Light of Reformation. But as to these Patronages that have not *Curam Animarum*, as Chaplainrys, Prebendarys, &c. founded upon Temporal Lands, annualls and such like, they may be reserv'd to the antient Patrons to dispose of to Scholars and Bursars, according to Act of Parliament.

This was the Sense of our Church at the Reformation. We come next to shew how the matter stood in Law, The Courtiers, tho unwilling to part with the Patronages, agreed, however, that the Power of Patrons should be restrain'd. Thus by the 7th Act of the first Parliament of K. James VI. held Anno 1567. it was

was Enacted, *That the Examination and Admission of Ministers be only in the Power of the Kirk, and that the Patron present a qualify'd Person within six Months (after the Decease of the former Incumbent comes to his Knowledge) to the Superintendant or others, having the Commission of the Kirk, otherwise the Kirk to have power to dispose of the same to qualified a Person. The Qualifications required were, that he shou'd agree with the Church in Doctrine, and the Administration of the Sacraments, according to the Confession of Faith, as appears by Act 6. Parliament 1. James VI. The Act 46. Parliament 3. of that same Prince, enjoyns, That the Minister shou'd be under the Discipline of the Kirk, partake with her in the Sacraments, and Subscribe the Articles of Religion, and give his Oath for acknowledging the King and his Authority. And by Parliament 6. Act 68. James VI. they who refuse to Communicate in the Sacraments, as Administred in the Kirk, according to the Confession of Faith, or contradict the said Confession, are declared to be no Members of the Kirk, so long as they do so, and by the 69th Act of that same Parliament 'tis declared, *That there be no other Jurisdiction Ecclesiastick acknowledg'd within this Realm, than that which is, and shall be within the same Kirk, or that flows therefrom.* It is here likewise proper to observe, That by the abovemention'd Act of 1567. in case of a Failure, by the Superintendant or Commissioner of the Kirk to admit a qualify'd Person, presented by the Patron, there lay an Appeal to the Superintendant and Ministers of the Province, and if they refus'd to admit the qualified Person, an Appeal was to be made to the General Assembly, whose Determination was to be Decisive.*

But notwithstanding this Restriction on Patrons, many Abuses resultd from the Patronages by Contracts betwixt the Patrons and some Ministers, who were Guilty of dilapidating the Rents of the Benefices (without regard how their Successors shou'd live after them)

for the sake of present Profit. And by the same Method, Benefices were conferr'd upon unqualify'd Persons, both by the King and other Lay Patrons, against which a Remedy was provided by the 101st and 102d Acts of King James VIth's 7th Parliament, which met October 24. 1581.

A further Remedy was provided by the 116th Act of his 12th Parliament, which met June 5. 1592. by which the Collation and Deprivation of Ministers was lodg'd in the Church, *As a Privilege granted by God to her Spiritual Office-bearers*, wherein her General Assemblies were also Ratify'd and Approv'd, with all her Privileges, Libertys, Immunitys and Freedoms, given and granted by his Highness, his Regents in his Name, or any of his Predecessors to the true and Haly Kirk, presently Establish'd within this Realm; and among other Privileges, all presentations to Benefices were to be directed to the Presbyterys, with a full Power of Collation, and by the 117th Act, the Church had a Power of presenting *Jure Devoluto*, if the Patron did not present a qualifyed Person after a Vacancy of six Months. But a Reserve being made in the 116th Act, that they shou'd receive and admit any qualifyed Person presented by his Majesty, or Lay Patrons, the Abuse continued, and Ministers were depriv'd of their Benefices by several Patrons, to prevent which, the 169th Act of King James VIth's 13th Parliament was made.

Notwithstanding all these Provisions against the Abuse of Patronages, the General Assembly of 1596. finding that by those Presentations many Persons were forcibly thrust into the Ministry, and upon Congregations, whose Conduct shew'd they were never call'd of God, the Assembly provided, That none shou'd seek Presentations to Benefices, *without Advice of the Presbytery, in whose Bounds they lay*, on pain of being repell'd, as *Rei Ambitus*, and they desired, that such as were Guilty of dilapidating Benefices, or of dimitting them

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for Favour or Money, so as they become Lay Patronages, might be punish'd as Dilapidators.

Thus these Lay Patronages continued a Subject of Controversy betwixt Lay Patrons and the Church, and occasioned many Abuses and much Clamour by the Courtiers against her, but they cou'd not fully accomplish their Design, till after the Union of the Crowns, when the Court being at a distance from *Scotland*, and open to the constant Sollicitation of Men of other Principles, the State of Bishops was establish'd in *Scotland* by the 2d Act of King *James VIth's* 18th Parliament, which met *July 9. 1606.* after which the Power of Presentation was lodg'd in the Archbishops and Bishops; but the Patrons by their Interest in Parliament, had the Luck to keep their Patronages on Foot under several Restrictions, which did not remove the Evil that from the beginning was complain'd of, and as an immediate and obvious Consequence of it, *Simony*, which is a direct Bargain betwixt the Patron and the Minister to be presented, for obtaining a Spiritual Charge in the Church, was too plainly Tolerated, to the great Scandal of Religion, and manifest Decay of Piety and Learning, for the Patrons by these *Simoniackal* Contracts, inverted the Tythes to their own private Use, and no Minister was presented, till he had given a Lease to his Patron of the Tythes of his Parish, in consideration of a poor Aliment to himself and his Family. An Abuse which ought certainly to Affect all those who are truly Religious, either in the Church of *England* or *Scotland*.

This occasion'd so many Abuses in presenting of Ministers, and fill'd the Church so full of unqualified Persons, that it was one of the principal Causes of Complaint which brought on the Civil War, and occasioned the Abolition of Prelacy in *Scotland*, as may be seen by the Acts of Assembly and Papers of State, from 1638. to 1641.

Presbytery being restor'd in a Parliament where the K. was present, the Affair of Patronage was accommodated betwixt the King and the Church thus. Upon a Petition from the Assembly, for the better providing of Vacant Churches in his Majesty's Presentation with qualify'd Ministers, his Majesty agreed, That upon the sending him a List of six Persons by the Presbytery where the Vacancy lay, he wou'd present one of them, as appears by his Declaration Sign'd with his own Hand at *Whitehall*, Jan. 3. 1642. and Register'd in the Books of the Assembly the 3d of *August* following; And by an Act of the Assembly of the same Date, it appears, that the Patronages formerly belonging to the Bishops were vested in the Presbyteries, by Act of Parliament, and that the like method of the Presbyterys sending a List of qualified Persons to other Lay Patrons, as to his Majesty was also agreed upon.

But in the Assembly of 1643. they petitioned his Majesty, That considering the Difficulty of obtaining a List of six able and well qualified Persons for every Vacant Church in his Majesty's Presentation, he wou'd accept a List of three, and of any one qualified Person, who spoke *Irish*, for a Vacant Church in the Highlands.

Matters continued thus till 1649. that all these Restrictions not being found sufficient against the Abuses of Lay Patrons, they were totally abolish'd by Act of Parliament.

Episcopacy and Patronages were restored by Acts of Parliament in King *Charles II*'s Reign, from 1662. and downwards. But when the Meeting of the Estates of *Scotland* was call'd expressly in 1689. for securing the Protestant Religion, and the ancient Laws and Libertys of the Kingdom, to the Legality of which Meeting, the Bishops did also subscribe, as appears by the 2d Act of that Meeting; And by the 13th Act, the Estates did claim among other things, as appears by their Declaration of Right, 'That Prelacy and the Superiority of any

any Office in the Church above Presbyters, is, and has been, a great and insupportable Grievance and Trouble to this Nation, and contrary to the Inclination of the generality of the People ever since the Reformation (they having reformed from Popery by Presbyters) and therefore ought to be abolish'd.

This Meeting of Estates, did by the 20th Act address King *William*, That the said Meeting shou'd be turn'd into a Parliament for securing the Protestant Religion, the Government, Laws and Liberties of the Kingdom, and redressing the Grievances by them represented; To which his Majesty did interpose his Royal Authority, by agreeing to their Address, as appears by their 38th Act.

Pursuant to the abovemention'd Article of the Claim of Right, and the Design of turning the meeting of Estates into a Parliament, Prelacy was abolish'd by the third Act Sess. 1. of King *William* and Queen *Mary*, July 22. 1689. and still pursuant to the same Article, the Parliament did by Act 2d, Sess. 2. April 25. 1690. restore the Presbyterian Ministers who were thrust from their Churches since January 1. 1661. And in the 5th Act of the same Session, after reciting the abovemention'd Article of the Claim of Right as the Foundation of their Proceedings, and reciting likewise the last mention'd Act for abolishing Prelacy, they proceed to settle Presbyterian Church Government upon the Foot of the Act of 1592. and do ratify and revive the said Act *in the whole Heads thereof*, except that part of it relating to *Patronages*, which, they declare, *is hereafter to be taken into Consideration*. And pursuant to this Reservation, by the 23d Act of that same Parliament, July 19. 1690, they take away the *Patrons Power of Presentation*. All which Acts were frequently ratify'd, not only by King *William*, but by her present Majesty, since her happy Accession to the Crown.

The Act which most immediately relates to the Patronages in debate, is the 6th Act of her Majesty's Parliament for Securing the Protestant Religion and Presbyterian Church Government, pass'd, Jan. 16. 1707. wherein her Majesty, with the Advice and Consent of the Estates of Parliament, *ratifys, approves, and FOR EVER CONFIRMS* the 5th Act of the 1st Parliament of King William and Queen Mary, entitled, *An Act ratifying the Confession of Faith, and settling Presbyterian Church Government*, WITH THE HAILL OTHER ACTS OF PARLIAMENT RELATING THERETO, IN PROSECUTION OF THE DECLARATION OF THE ESTATES OF THIS KINGDOM, CONTAINING THE CLAIM OF RIGHT. So that this 23d Act of Parliament, *concerning Patronages*, now sought to be RESCINDED, being made pursuant to the above-mention'd Article of the Claim of Right, to the very end of turning the said meeting of the Estates into a Parliament, and for compleating the Settlement mention'd in the said 5th Act for Settling Presbyterian Church Government in the Terms of it, is very plainly confirm'd by the said 6th Act of her Majesty's Parliament, 1707. which is made and expressly declar'd to be, a Fundamental and Essential Condition of the Treaty of Union.

Besides, by this Act for abolishing Patronages now sought to be rescinded, nothing but the Right of Presentation is taken from the Patrons, in order to Settle the Call of Ministers upon the Foot of a Free Apostolical Election, which our Church has always contended for, and this the Patrons have so little Cause to complain of, that their Civil Right is put in a better Condition than before, for now they have a Right to the Tithes, and are in a manner made Titulars, whereas so long as they continued only Patrons, they were under a Necessity to make Contracts with the Ministers they presented, about the Right of Tythes, which now they need not do, since they themselves
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are the Titulars, and the Ministers only Stipendaries. This has effectually put a stop to *Simonical Contracts*, which have ever been the abhorrence of all Christian Churches, and of none more than the Church of *England*, from whom in this Matter we don't differ in Principle, as may be seen in her 40th Canon, containing an Oath which all Intrants are obliged to take at their Institution into Benefices, *viz.* That they have made no *Simonical Payment, Contract or Promise*, directly or indirectly, by themselves, or by any other to their Knowledge, or with their Consent to any Person or Persons whatsoever, far, or concerning the procuring and obtaining of this Ecclesiastical Dignity, Place, Preferment, Office or Living, nor will at any time hereafter perform or satisfy any such kind of Payment, Contract or Promise made by any other without their Knowledge and Consent.

It must be own'd, that this is a very strict Oath, but we are not to wonder, that the Church of *England* took such Precautions in a matter of this Importance, since in the Preamble to the Canon she justly says, *That Simony is a detestable Sin, and that the buying and selling of Spiritual and Ecclesiastical Functions, Offices, Promotions, Dignities and Livings IS EXECRABLE BEFORE GOD.*

'Tis therefore hop'd, that since the Church of *England* complains of Lay Patronage as a Grievance, the Legislature will not again put our Necks under that Yoke, which neither we nor our Fathers were able to bear, especially, since Providence has deliver'd us from it, and that we are as much secur'd against it as our own particular Laws founded upon the Claim of Right, and the Treaty of Union can secure us.

It ought also to be consider'd, that *England* has always valu'd her self for being deliver'd from that Vassalage, which her great Men had over the Commons. Therefore 'tis believ'd, that they will not bring us again
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under a Spiritual Vassalage, which is the most insupportable of all others, and may in time come to be dangerous to the State, since many of our Nobility and Gentry did formerly claim a Right of Patronage over many Churches, which belong'd to their particular Familys, and if restored, will give them as great a Power over the Souls of the People, as Civil Vassalage gives them over their Bodies: And if many of those Patronages shou'd fall into the Hands of persons Dissaffected to the Government, it is more more easie to foresee, than to avoid the Consequence.

We know 'tis us'd as an Argument for restoring Lay Patronages, that the Right of presenting Ministers is a Right of Property, to which the Patrons have as good a Title as to their Estates, and also that there was about 33 l. Sterling to be paid to the Patrons for renouncing their Right of Presentation which has never been paid.

Any one may see that these are very slight Pretences to weaken or alter the Constitution of a Church, so solemnly establish'd, as a fundamental and unalterable Article of the Union. The fair Dealing that is essential to the Execution of all Treaties does not admit, that upon such weak Pretences there shou'd be the least straitning of the Benefit intended for the Quiet and Satisfaction, as well as for the Security of the Church of *Scotland*. No Man, soberly thinking, can imagine that any one has that same Property in presenting Ministers to Churches, as they have in their Lands, Houses, Goods and Chattels: Besides the Patrons of *Scotland*, as has been observ'd already, have not the Foundation of Patronage required by the Canon Law. The Churches of *Scotland* are not endow'd by the Patrons, nor out of any private Estate, for since the Reformation, the State of the Provision of Ministers, and consequently of the Patrons Claims is very much alter'd. Ministers have their Stipends or Allowance for serving the Cures, out of the Tythes, which

as we have heard already, is by Law, accounted the Patrimony of the Church, and Churches are appointed to be built and repair'd by the Parishioners, The Ground upon which the Churches are built, the Glebes, and Minister's Dwelling Houses, are by Law taken out of the Property of the Parish, so that it is the Church and the Parish that have the Title of the Canon Law to the Patronage, since it is the Parish who gave the *Dos Edificatio*, and the *Fundus*: But supposing it were otherwise, it is very strange to renew those Claims now after things have been establish'd to the contrary, as an inviolable and fundamental Article of the Union.

The other Part of the Objection, that the Patrons have not receiv'd the 33 $\frac{1}{2}$ for resigning their Right of Presentation can never be allow'd as a good Reason to restore that Right; since the very Act did provide for a Distress and Execution at the Suit of Patrons, against the Parish, if the said 33 $\frac{1}{2}$ was not paid, but if this Execution has not been made use of by the Patrons, 'tis their own Fault. Therefore they cannot in justice pretend to have such a Relief as a Right to the Presentation, for that which has been the Consequence of their own Neglect. But further, it is wrong to pretend, that there was no other Price appointed by the said Act for the Right of Presentation, but the 33 $\frac{1}{2}$ above-mention'd, since there is, certainly, a much more valuable Consideration. The Patrons, who before that Act, cou'd have no Right to the Tithes, but by Simony, which is execrable, and consequently not to be justify'd by any Colour of Law, have by the very Act, which deprives them of the Right of Presentation a Title to the Tithes with the Burden only of a fair and honest Provision to be settled by the Law upon the Ministers for serving the Cure. This the Patrons do enjoy, and have enjoy'd for 22 Years, and by Virtue of that Title the Tithes have been convey'd from Hand to Hand.

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Will Men who pretend to have Patronages restored, because of a Delicacy in point of Property, rob the Church of her Tithes, which is her Patrimony, without allowing the Calling and ordaining of Ministers to remain as it is now establish'd, agreeable to the most ancient Practice of the Christian Church? Will they pretend to enjoy the Purchase and the Price too? Can they imagine, tho' they are blinded with Prejudice in their own Favour, that ever they can prevail with Members of Parliament to agree to such Extraordinary Demands?

It is likewise industriously given out, that the manner of Calling Ministers, as establish'd by the Laws of Scotland, and the Treaty of Union, has been the Cause of much Dissention and Division, and that the Votes of Farmers, Mechanicks, and other mean People, have been of equal or greater Weight than those of the chief Landed Men of the Parish, &c. But if this Objection be good, then the Practice of the Primitive Church was erroneous, and Christianity it self culpable, which, tho' in its own Nature a Doctrine of Peace, has, thro' the Corruptions of Men, occasion'd Divisions among the nearest and dearest Relations. Therefore 'tis hop'd no Man will allow this Objection to be of any Weight; but as a more direct Answer, where are the numerous Instances, or mighty Evidences of these Divisions complain'd of? Must a few ill grounded Storys be sufficient to overturn a Law, that has now been in possession of the Church and People for 22 Years? And can it not be prov'd that the chief Divisions, which have happen'd on this Account, arose from such as are Dissaffected to the Civil Government? Or can it be deny'd that several of them have been prosecuted for it? But further, will the Restoring the Right of Presentation to Patrons cure this pretended Evil? Will not the Body of the Parish complain that a Pastor is impos'd upon them? Has a Superiour a Title to impole, in Matters of that kind, upon his Vassal

Vassal ? Or a Landlord on his Tenant ? Has not the exorbitant Usurpation of Superiors and Landlords over Mens Bodys and Goods been loudly complain'd of ? And will they now pretend to extend their Superiority over the Peoples Souls too in Matters of a spiritual Concern.

In shorr, all these Objections are trifling, and those who make 'em don't seem to have read the Act concerning Patronages, which they would have repeal'd. The Words of it are, That the Heretors, *i.e.* Landed Men of the Parish, being Protestants, and the Elders, (not the Mob) are to name the Minister to the whole Congregation to be approv'd or disapprov'd, and if they disapprove the disapprovers must give in their Reasons to be examin'd by the Presbytery, and if their Reasons be not found Good, the Nomination of the Heretors and Elders stands, so that the Claim of those who insist on this Argument is to take away the Right of Presentation from the Landed Men of the Parish, and give it to the Patron, who frequently has no Residence or Interest in the Parish, nor is so much as known to 'em by face, but lives in a remote Country, and is often a Man of a much less Estate than many of the Heretors of the Parish.

But if the Hazard of Division be a good Argument 'tis much stronger upon the side of those who have a standing Law to support their Claim. For 'tis plain and undeniable that many of the Patrons in Scotland, are neither well affected to the Establishment of the Church nor to the Civil Government, and no doubt such Patrons, will present Men to whom the Church can't agree, and then a Division must arise betwixt the Church and Patrons, upon every Occasion of a Vacancy, of which the most Obvious Consequences are, that the Churches will be kept Vacant, to the great Discouragement of Religion and Piety, and in some Countys to the great Incouragement of transquing Popish Priests. Quarrels will also arise betwixt the Patrons

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and the Parish about the disposal of the Fruits of the Benefice, during the Vacation which disaffected Patrons will think piously applyed, when given to such Ministers as are of their own Stamp, and Enemies both to the Church and the Civil Government. Now whether these Inconveniences don't very much Cast the Ballance upon the side of a standing Law, which the People have been possess'd of for Twenty Two Years, and is ratify'd by the Treaty of Union; Let all impartial Men judge.

'Tis really strange, that any Man should insist upon restoring the Right of Presentation on the Foot of personal Property by a General Law, when there are so many Patrons, and those too of the most considerable in *Scotland*, that will oppose such a Restitution as they have a Lawful opportunity. There are not a few who in Conscience think they can't enjoy the Right of Tithes, and of the Presentation too, and prefer the first as a much more valuable and juster Right than the former. There are many who are justly afraid that this Restitution of Patronages, and annexing those of Bishopricks to the Crown, may have Convulsive Effects, and raise Disputes betwixt the Crown, and such as have deriv'd the Rights of Patronages from it.

Men are not free from Apprehensions, that tho' Tythes be not now restor'd to the Church, yet in all probability they must in Time, if the Presentations be restor'd to the Patrons; and many whom none of those Reasons move, are very tender of any thing that may give occasion to disoblige and vex so considerable a Body as the Presbyterians of *Scotland*, by depriving them of the Liberty and Privilege they enjoy of calling their own Pastors, and even those that think People are in the wrong to be uneasy on that Account, yet would be very loth to Fret them, by making a New Law, of which there appears to be so little Necessity or Advantage, except to a few Patrons who have rais'd
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and prosecuted this Noise for their own private Views.

'Tis also observable, there's another thing demanded, viz. The Repealing of the Acts about supplying Vacant Churches by *North-Forth*, upon a pretence of several Burthens impos'd upon Vacant Stipends, to the prejudice of the Patrons Right of disposing thereof.

This seems to be Foreign to the Patrons power of Presentations, contended for and only brought in to perplex and disquiet the Establish'd Church, which has as good a Right to the benefit of those Acts for supplying the said Vacant Churches, and to the Encouragement of those who Preach in them, as to any of the other Rights and Priviledges which are confirm'd and reserv'd to her by the Union. Can the Stipends of Vacant Churches be applyed to any more pious Use than that of instructing People who have not the benefit of a settled Minister, especially in such parts of the Country where *Papists* and *Jacobites* are so much encouraged, and who have joyn'd in Mobbing and Assaulting not only the Ministers sent to Preach there, but her Majesty's Justices of Peace who came to Support 'em, according to the Duty of their Office.

One would think this looks too open to be insisted on, and that some People are willing that *Jacobitism* and *Popery* should increase in those Countrys, but certainly the Parliament of *Great-Britain* will be of another Mind, when they come to understand the Case and the Reason of those Acts which are desir'd to be repeal'd.

To conclude, What good Reason can there be given for breaking in upon the Settlement of the Church of *Scotland*, and alarming its Members in so material a Point as depriving them of the Power to call their own Ministers: and that too whilst the most remote Apprehensions of Danger to the Church of *England*, occasion such extraordinary Uneasiness to her Members, and give Rise to new Fences and Securities for her, beyond what is provided in the Treaty of Union? Is it suitable

ble to the fair Execution of that Treaty, that whilst the Securitys of the one are increas'd, things are interpreted in the strictest manner to the Prejudice of the other, her Securitys endeavour'd to be Diminish'd, and even her Rights and Possessions taken from her? Are not both Churches establish'd upon a Foot of equal Security by the Union? And is there any manner of comparison betwixt the Hazard of the one and the other? Certainly some Mens proceedings give us reason to suspect that they will leave no Article of the Union unattempted, when they are for breaking in thus upon the Rights and Privileges of the Church of Scotland, which are made a Fundamental and Essential Condition of the Union, and are secur'd by the Treaty from any Alteration thereof, or Derogation therefrom, in any sort for ever. How well such Projects agree with Loyalty to her Majesty, and Zeal for the *Hanover* Succession, that has no other Establishment in Scotland, but from the Union Treaty, which her Majesty has declared to be one of the Transactions of her Reign, that the Glories most in, let the World judge.

F I N I S.